

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

ENTREC CORPORATION, et al.,

Debtors in a Foreign Proceeding

WOLVERINE ENERGY AND INFRASTRUCTURE INC.,

Plaintiff and Counter-Defendant,

VS.

**ENT CAPITAL CORP., ENTREC
HOLDINGS INC., ENTREC CRANES &
HEAVY HAUL INC., and ENTREC
CORPORATION,**

Defendants and Counter-Plaintiffs.

卷之三

**CASE NO. 20-32643
(Chapter 15)
JOINTLY ADMINISTERED**

ADV. No. 20-03455

**MONITOR'S WITNESS AND EXHIBIT LIST FOR TRIAL SCHEDULED
APRIL 15, 2021**

Defendants and Counter-Plaintiffs ENT Capital Corp, ENTREC Holdings Inc., ENTREC Cranes & Heavy Haul Inc., and ENTREC Corporation (collectively, “ENTREC”), by and through their court-appointed monitor and authorized foreign representative Alvarez & Marsal Canada Inc. (in its individual capacity “A&M,” and in its capacity as the court-appointed monitor,

“Monitor”),¹ file this Witness and Exhibit List for the first phase of the bifurcated trial to be held on April 15, 2021 (the “Trial”).

WITNESSES (may call):

1. John Stevens	<u>Judge:</u> Honorable Marvin Isgur Courtroom 404
2. Richard Hatley	<u>Hearing Date:</u> April 15, 2021
3. Jeanne Cable	<u>Hearing Time:</u>
4. Shannon Ostapovich	<u>Parties' Names:</u> ENT Capital Corp., <i>et al.</i> , and Alvarez & Marsal Canada Inc., as the court-appointed Monitor
5. Nikolaus Kiefer	<u>Attorneys' Names:</u> Norton Rose Fulbright US LLP Scott Drake Steve Peirce Veronica Kendrick
6. Jesse Douglas	<u>Attorneys' Phone:</u> (214)855-8000
7. Any rebuttal and/or impeachment witnesses; and	<u>Nature of Proceeding:</u> First Phase of Bifurcated Trial
8. All persons listed on the witness list of any party.	

EXHIBIT LIST

Monitor may offer into evidence any one or more of the following exhibits at the Trial:

Ex. M-#	Description	Offer	Objection	Admitted/ Not Admitted	Disposition
1.	Asset Purchase Agreement (MONITOR_0000001 – 60)				
2.	Shannon Ostapovich Notes (WE-ENTREC003944 – 3950)				
3.	Itinerary (WE-ENTREC000064 – 67)				

¹ The ENTREC defendants are debtors in the proceeding pending in the Court of Queen’s Bench of Alberta, Judicial Centre of Calgary (the “Canadian Court” and the “Canadian Proceeding”) under the Companies’ Creditors Arrangement Act (the “CCAA”) which this court has recognized as a foreign main proceeding pursuant to Chapter 15 of the United States Bankruptcy Code. On November 24, 2020, the Canadian Court entered an order (the “CCAA Termination Order”) authorizing and empowering A&M, as Monitor to ENTREC, to “conduct, supervise and direct the continuation or commencement of any process in Canada [or] the United States . . . including . . . any proceeding or proceedings in respect of the Wolverine Dispute [i.e., the present adversary proceeding]” On December 7, 2020, this Court entered an order granting comity and giving full force and effect to the CCAA Termination Order. (Dkt. #115).

Ex. M-#	Description	Offer	Objection	Admitted/ Not Admitted	Disposition
4.	September 22, 2020 Email from Julie Afanasiff to Wolverine (MONITOR_0000156 – 161)				
5.	September 20, 2020 Email from Jesse Taylor to Shannon Ostapovich (MONITOR_00001473 – 1478)				
6.	September 29, 2020 Fasken Letter (MONITOR_000066 – 69)				
7.	Rouse Appraisal Effective Date May 31, 2020 (MONITOR_00003396 – 3431))				
8.	Rouse May 31, 2020 Appraisal Detail (Excel File Labeled MONITOR_3432)				
9.	Rouse Appraisal Effective Date July 31, 2020 (MONITOR_00001607 – 1653)				
10.	Rouse July 31, 2020 Appraisal Detail (Excel File Labeled MONITOR_00001606)				
11.	October 15, 2020 Letter from Wolverine (WE-ENTREC00846)				
12.	September 29, 2020 Email from Julie Afanasiff (MONITOR_0000085 – 88)				
13.	September 22, 2020 Email from Julie Afanasiff to Monitor (MONITOR_0000208 – 211)				
14.	September 28, 2020 Fasken Letter (MONITOR_0000061 – 0000065)				
15.	Rule 408 Letter (WE-ENTREC000062 – 63)				
16.	September 17, 2020 Email from Nikolaus Kiefer to Great Rock with Attachments (WE-ENTREC00928 – 930 and Excel File Labeled WE-ENTREC00932)				
17.	Wolverine's Objections and Amended Responses/Answers to Monitor's First Requests for Production and Interrogatories				
18.	Amending Agreement to Asset Purchase Agreement (MONITOR_00000945 – 946)				
19.	Expert Report of Richard Hatley				
20.	September 9, 2020 Email from Izabel				

Ex. M-#	Description	Offer	Objection	Admitted/Not Admitted	Disposition
	Leal-Ross to Wolverine (WE-ENTREC00185 – 189)				
21.	September 1, 2020 Email from Izabel Leal-Ross to Wolverine with Attachment (WE-ENTREC02645 and Excel File Labeled WE-ENTREC02646)				
22.	September 11, 2020 Email from Jesse Taylor to ENTREC Personnel (MONITOR_00000884)				
23.	September 1, 2020 Email from Jesse Taylor to Shannon Ostapovich with Attachment (MONITOR_00000468 – 470 and Excel File Labeled MONITOR_00000471)				
24.	September 29, 2020 Miller Thomson Letter Without Prejudice (MONITOR_0000073 – 76)				
25.	September 29, 2020 Miller Thomson Letter With Prejudice (MONITOR_0000070 – 72)				
26.	September 30, 2020 Fasken Letter (MONITOR_0000077 – 78)				
27.	September 29, 2020 Email from Jesse Douglas to Julie Afanasiff (MONITOR_0000105 – 106)				
28.	September 25, 2020 Email from John Paul Smith to Julie Afanasiff (MONITOR_0000128 – 134)				
29.	September 22, 2020 Email from Julie Aanasiff to ENTREC with Attachments (MONITOR_00001603 – 1653, including Excel Files Labeled MONITOR_00001605 and 1606)				
30.	September 22, 2020 Email from Julie Afanasiff to Monitor (MONITOR_00001767 – 1771)				
31.	Photographs (WE-ENTREC000068 – 125)				
32.	Affidavit of Sabina Mancilla (WE-ENTREC000126 – 175)				

The Monitor reserves (i) the right to amend and/or supplement this Witness and Exhibit List at any time prior to the hearing; and (ii) the right to use additional exhibits for purposes of rebuttal or impeachment and to further supplement the foregoing Witness and Exhibit List as appropriate. The Monitor also reserves the right to rely upon and use as evidence (i) exhibits included on the exhibit lists of any other parties in interest, and (ii) any pleading, hearing transcript, or other document filed with the Court in the above-captioned matter.

Dated: April 6, 2021

Respectfully submitted,

NORTON ROSE FULBRIGHT U.S. LLP

/s/ Scott P. Drake

Scott P. Drake
State Bar No. 24062812
scott.drake@nortonrosefulbright.com
2200 Ross Avenue, Suite 3600
Dallas, TX 75201-2784
Telephone: (214) 855-8000
Facsimile: (214) 855-8200

Steve A. Peirce
TX State Bar No. 15731200
SDTX Bar No. 12260
steve.peirce@nortonrosefulbright.com
111 West Houston Street, Suite 1800
San Antonio, TX 78205-3792
Telephone: (210) 270-7179
Facsimile: (210) 270-7205

COUNSEL FOR ALVAREZ & MARSAL
CANADA INC., MONITOR TO ENT
CAPITAL CORP, ENTREC HOLDINGS INC.,
ENTREC CRANES & HEAVY HAUL INC.,
AND ENTREC CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing pleading, was served this 6th day of April via the Court's ECF system upon all counsel of record that are registered ECF users.

/s/ *Scott Drake*

Scott Drake